REMARKS

Claims 1-50 are pending in the application. Claims 47-50 have been added; no new matter has been added. Applicants respectfully request reconsideration of the rejections set forth in the Advisory Action dated November 10, 2005 in light of the following remarks.

In Response to Advisory Action

Rejections Under 35 U.S.C. §103

Despite comments made in the Advisory Action, the rejections remain improper. In the previous Response submitted on October 7 2005, three solid and separate violations of MPEP rules were provided regarding the proposed combination of Liu and Barrett. The Advisory Action dated November 10, 2005 does not address any of these MPEP rule violations.

The grounds for improper combination of references still have not been overcome, and continue to render the current rejections invalid per the MPEP. These arguments are provided again herein as a courtesy. With the further consideration entitled by this RCE, the Examiner is respectfully requested to address and prevail over these separate arguments – if any rejection including Liu and/or Barrett is maintained.

from previous Response dated October 3 2005:

First, the references teach away from combination with each other. Put simply, the references invent for contrary goals. Liu unmistakably wants to **reduce resources** for processing bistreams (see col. 1, lines 8-10 and col. 2, lines 16-22); Barrett adds and **tailors complicated servers** to overcome video transmission over POTS lines (see col. 1, line 17 to col. 2, line 17). Thus, one reference wants to simplify hardware, while the other inserts sophisticated and dedicated hardware targeted for a specific need. The opposing approaches permeate their teachings. For example, to <u>avoid real time processing</u>, Barrett relies on changing the video format and broadcasting the video at night when no other video is being transmitted (see col. 2, lines 20-32). Clearly, he smartly at night encodes <u>because his system will not work in real-time</u>. Oppositely, Liu focuses on simplification and <u>real time processing</u> (see col. 1, line 66). One of skill in the art would not look to modify either reference with the other when both references teach away from each other. At the least, Barrett's complicated techniques (which are done off-line) will compromise

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Liu's real time processing. As states in the MPEP, "References Cannot be Combined Where the Reference Teaches Away from Their Combination" (MPEP 2145 X.D.2).

One of skill in the art would NOT look to Barrett (a dedicated distribution system) to modify Liu (a simplified transcoder). Liu openly wants to "reduce resources required to perform processing of bitstreams" (see col. 1, lines 6-9). Barrett's webTV terminal distribution system unequivocally adds an abundance of complicated resources, such as: a) servers that "offers supplemental services such as email, news reports, television guides and enhanced access to web pages" (see col. 2, lines 1-5); b) software on the client terminal converts data to an intermediate format (to be unconverted downstream); c) servers that transmit at restricted times; d) codebooks and codebook processing to both encoders and decoders (see col. 2, lines 8-21), etc. Modifying Liu with Barrett's complicated servers destroys the intent of reduced resources by Liu, and may compromise real-time delivery. "The proposed modification cannot render the prior art unsatisfactory for its intended purpose" (MPEP 2143.01). The combination of these two references is thus improper.

In addition, Liu teaches against the claimed invention. Liu mainly uses downsampling or re-quantization with a different step size to control bit rate. Where filtering is briefly mentioned, it is mentioned as an assist to processing or to reduce buffering. Liu generally teaches against filtering since it results in poorer video quality (col. 18, lines 19-51). Filtering to the extent of reaching bandwidth constraints is not taught by Liu, but would only lead to even worse video quality - according to the teachings of Liu. "Prior Art Must Be Considered in Its Entirety, Including Disclosures That Teach Away From the Claims" (MPEP 2141.02).

This last section of Liu (col. 18, lines 19-51) also breaks a fourth rule for combining references. Namely, "References Cannot be Combined Where the Reference Teaches Away from Their Combination" (MPEP 2145 X.D.2).

For at least these reasons, Applicants respectfully submit that Liu and Barrett, either alone or in combination, cannot be combined to teach or suggest independent claims 1, 8, 22, 31 and 40 and that the independent claims are allowable.

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Claims 2, 5, 15, 18, 26, 29, 38, 41, and 44 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,907,374 ("Liu") in view of U.S. Patent No. 6,002,801 ("Strongin").
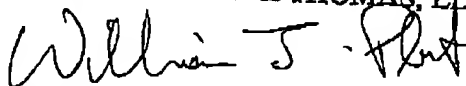
Withdrawal of the rejections under 35 USC §103(a) are therefore respectfully requested.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Response is to be charged to Deposit Account No. 50-0388 (Order No. CISCP219).

Respectfully submitted,

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